

# EXHIBIT 1

**AMENDED EXHIBIT B**  
**DEFENDANT’S EVIDENCE FOR**  
**RULE 4-3 JOINT CLAIM CONSTRUCTION STATEMENT**

Claim Terms	Funimation’s Constructions	Funimation’s ID of Supporting Intrinsic and Extrinsic Evidence <sup>1</sup>
<p>“A computer-implemented method comprising” (preambles of claims 1, 18)</p> <p>“A computer comprising” (preamble of claim 10)</p> <p>“A system comprising” (preamble of claim 27)</p>	<p>All claims require that any enticement received or transmitted must only occur after the broadcast so that the broadcast is not interrupted</p>	<p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> <li>• All claims of the ’999 Patent</li> <li>• ’999 Patent, 1:13 – 3:16, 3:63 –5:10, 6:48-67; Abstract; Figs. 1-8</li> <li>• Prosecution history of the ’999 Patent: Office Action mailed 8/4/2017, Amendment dated 12/21/17</li> <li>• All claims of related U.S. Patent No. 8,316,390</li> <li>• Prosecution history of related U.S. Patent No. 8,316,390: originally filed claims; all Office Actions; all responses; all amendments; all RCEs; all appeal, answering and reply briefs; notice of allowability.</li> </ul> <p><u>Extrinsic Evidence:</u></p> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> <li>• FIRTIVA_0000008-00000051</li> </ul>
<p>“receiving an enticement based on the embedded information, the viewing information, user information retrieved based on the user identifier, and a sponsor of the time slice corresponding to the sponsor identification” (claim 1)</p> <p>“the receiver further configured to receive an enticement based [on] the embedded information, the viewing information, user information retrieved based on the user identifier, and a sponsor of the time slice corresponding to</p>	<p>All claims require that any enticement received or transmitted must only occur after the broadcast so that the broadcast is not interrupted</p> <ul style="list-style-type: none"> <li>- receiving an enticement must only occur after the broadcast so that the broadcast is not interrupted (claim 1)</li> <li>- the receiver receiving an enticement must only occur after the broadcast so that the broadcast is not interrupted (claim 10)</li> <li>- transmitting the enticement must only occur after the broadcast so that the broadcast is not interrupted (claim 18)</li> </ul>	

<sup>1</sup> This column provides Funimations’s Rule 4-3(a)(2) identification of all references from the specification or prosecution history that support that position, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its position or to oppose any other party’s position, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses.

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<p>the sponsor identification” (claim 10)</p> <p>“transmitting the enticement based on at least one of: the embedded information, the viewing information, the user information, and a sponsor of the broadcast” (claim 18)</p> <p>“transmit the enticement based on at least one of: the embedded information, the viewing information, the user information, and a sponsor of the broadcast” (claim 27)</p>	<p>- the controller transmitting the enticement must only occur after the broadcast so that the broadcast is not interrupted (claim 27)</p>	
<p>“user identifier” (claims 1, 10, 18, 27)</p>	<p>data used to identify a particular user</p>	<p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> <li>• All claims of the '999 Patent</li> <li>• '999 Patent, 2:24-44, 2:63 – 3:16, Abstract; Figs. 1-8</li> </ul> <p><u>Extrinsic Evidence:</u></p> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> </ul>

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“user information” (claims 1, 10, 18, 27)	Indefinite under pre-AIA 35 U.S.C. § 112 ¶ 2 and/or lacks written description support under pre-AIA 35 U.S.C. § 112 ¶ 1.  In the alternative, to the extent found not indefinite and supported, then:  information for a particular user	<u>Intrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• All claims of the ’999 Patent</li> <li>• ’999 Patent, 2:37-40</li> <li>• ’999 Patent, 1:6 – 7:13; Abstract; Figs. 1-8</li> <li>• Prosecution history of ’999 Patent: Office Action of December 30, 2016; Amendment of June 30, 2017</li> </ul> <u>Extrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> </ul>
“sponsor identification” (claims 1, 10, 18, 27)	data that identifies a sponsor of a time slice	<u>Intrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• All claims of the ’999 Patent</li> <li>• ’999 Patent, 3:65 – 4:13; 5:29 – 6:67, 7:1-13; Abstract; Figs. 1-8</li> </ul> <u>Extrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> </ul>
“time slice” (claims 1, 10, 18, 27)	a portion of time of a complete broadcast (e.g., a 15-minute interval of a one-hour broadcast)	<u>Intrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• All claims of the ’999 Patent</li> <li>• ’999 Patent, 5:29 – 6:47; Abstract; Figs. 1-8</li> </ul> <u>Extrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> </ul>

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“end-of-slice marker that signals the end of a time slice” (claims 1, 10, 18, 27)	flag that signals the end of a time slice	<u>Intrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• All claims of the ’999 Patent</li> <li>• ’999 Patent, 5:29 – 6:47, Abstract, Figs. 1-8</li> </ul> <u>Extrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> </ul>
“enticement” (claims 1, 10, 18, 27)	advertisement, coupon, discount, contest or other inducement	<u>Intrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• All claims of the ’999 Patent</li> <li>• ’999 Patent, 1:67 – 3:16, 4:2-8, 4:21-28, 4:52-58, 5:4-10, Abstract, Figs. 1-8</li> </ul> <u>Extrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> </ul>
“the data comprising at least one of a TV channel, content name, timestamp, time slice, and sponsor identification” (claims 1, 10, 18, 27)	the data must include at least one of all listed items, namely the data must include at least one TV channel, at least one content name, at least one timestamp, at least one time slice, and at least one sponsor identification	<u>Intrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• All claims of the ’999 Patent</li> <li>• ’999 Patent, 2:6 – 3:16, 5:29 – 6:67; 7:1-13, Abstract, Figs. 1-8</li> </ul> <u>Extrinsic Evidence:</u> <ul style="list-style-type: none"> <li>• Declaration of Dr. Benjamin Goldberg</li> </ul>